

**5.04 Justification: Self-Defense, Duress, Necessity**

[Updated: 11/25/15]

If you find that the government has proven beyond a reasonable doubt all the elements of the crime, you must then determine whether [defendant] has proven by a preponderance of the evidence that [he/she] committed the crime only because of justification. For you to find [defendant] not guilty only because of justification, you must be persuaded that [defendant] has proven each of these things by a preponderance of the evidence:

First, [defendant] acted under an immediate threat of serious bodily injury or death;

Second, [defendant] had a well-grounded belief that the threat will be carried out;

Third, [defendant] had no reasonable opportunity to escape, or otherwise frustrate the threat.

“Preponderance of the evidence” is evidence that considered in light of all the facts, leads you to believe that what [he/she] claims is more likely true than not.

**Comment**

(1) The United States Supreme Court has stated that “[t]here is no federal statute defining the elements of the duress defense,” and that “[w]e have not specified the elements of the defense.” Dixon v. United States, 548 U.S. 1, 5 n.2 (2006). In Dixon, the Court used a four-element test applied by the district court, but stated that it merely “presume[d] the accuracy of the District Court’s description of these elements.” Id. The four-element test provides:

First, [defendant] acted under an unlawful and immediate threat that would provoke a well-grounded apprehension of serious bodily injury or death;

Second, [defendant] did not recklessly [or negligently] place [himself/herself] in such a situation;

Third, [defendant] had no reasonable, legal alternative, that is, no chance both to refuse to perform the criminal act and to avoid the threatened harm; and

Fourth, [defendant] committed the crime only because of the threat.

Dixon, 548 U.S. at 5 n.2. In a felon-in-possession case, the First Circuit “adopt[ed] the four-part framework for justification discussed by the Supreme Court in Dixon,” United States v. Leahy, 473 F.3d 401, 409 (1st Cir. 2007), and applied it as a generic “justification” defense, stating that self-defense, duress, and necessity all fit “under a single, unitary rubric: justification.” Id. at 406. Leahy did not say that its unitary rubric and four-element test were limited to felon-in-possession cases. It did state that “although we believe it is useful to speak of a single justification defense, we caution that different factual scenarios may require variations in the phrasing of the four-factor

test. . . . Those nuances remain to be developed in future cases.” *Id.* at 409. Soon thereafter, in a drug distribution case, the First Circuit reverted to its previous three-factor test for duress without any reference to *Leahy*, a unitary justification defense, or a four-element test. *See United States v. Bravo*, 489 F.3d 1, 10 (1st Cir. 2007). More recently, the First Circuit has again used the three-part test in *United States v. Lebreault-Feliz*, 807 F.3d 1, 3-4 (1st Cir. 2015) (duress three-factor test); *United States v. Navedo-Ramirez*, 781 F.3d 563, 569 (1st Cir. 2015), and *United States v. González-Pérez*, 778 F.3d 3, 13 (1st Cir. 2015) (citing *United States v. Díaz-Castro*, 752 F.3d 101 (1st Cir. 2014) (applying the three-element test to the defendant’s duress defense); *United States v. Arthurs*, 73 F.3d 444, 448 (1st Cir. 1996) (listing the three-element test for the duress defense). It seems that the First Circuit is more comfortable with the three-element test for the duress defense.

- (2) In assessing whether a defendant has established sufficient grounds to mount a duress defense, courts do not examine the defendant’s subjective perceptions about whether the threat was likely to be acted upon or whether escape was possible. Rather, as suggested by our use of the qualifiers “well-grounded” and “reasonable” in describing the elements of the defense, the inquiry hypothesizes a defendant of ordinary firmness and judgment and asks what such a defendant was likely to have experienced or how such a defendant was likely to have acted.

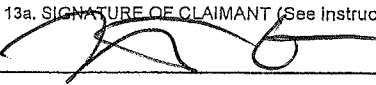
*United States v. Castro-Gomez*, 360 F.3d 216, 219 (1st Cir. 2004) (citation omitted); accord *United States v. Vázquez*, 724 F.3d 15, 28 (1st Cir. 2013). *Dixon*, however, uses only the adjective “well-grounded.” 548 U.S. at 5 n.2.

- (3) In *Dixon*, the Court held squarely that the burden of proof in a duress defense rests upon the defendant, and the standard is proof by a preponderance. 548 U.S. at 17. The First Circuit recognizes the availability of a justification defense in a federal felon-in-possession case, and assigns the burden of proof to the defendant. *Leahy*, 473 F.3d at 409. There may be a narrow exception where the duress affects the *mens rea* for the crime. *See id.* (burden of proof holding is limited to justification defenses that “do not go to the elements of the [crime]”). In *Dixon*, however, the *mens rea* was knowledge of falsity or knowledge of law-breaking, and the Court held that perceived duress did not negate that required state of mind. 548 U.S. at 6.

- (4) “A necessity instruction is appropriate only where there is evidence sufficient to create a triable issue that a defendant ‘had no legal alternative but to violate the law.’” *United States v. Holliday*, 457 F.3d 121, 128 (1st Cir. 2006) (quoting *United States v. Ayala*, 289 F.3d 16, 26 (1st Cir. 2002)).

- (5) Before the justification defense can go to the jury, the court must determine that the defendant has met the “entry-level burden” of producing enough evidence to support the defense’s elements. *United States v. Lebreault-Feliz*, 807 F.3d 1, 4 (1st Cir. 2015) (necessity); *Ayala*, 289 F.3d at 26 (necessity); *United States v. Maxwell*, 254 F.3d 21, 26 (1st Cir. 2001) (same); *see also United States v. Sued-Jiménez*, 275 F.3d 1, 6 (1st Cir. 2001); *United States v. Arthurs*, 73 F.3d 444, 448 (1st Cir. 1996); *United States v. Amparo*, 961 F.2d 288, 291 (1st Cir. 1992). The entry-level burden is a burden of production, not persuasion. *United States v. Bailey*, 444 U.S. 394, 415 (1980); *cf. Amparo*, 961 F.2d at 291 (describing the burden of production necessary to support the defense of duress).

Exhibit 7

<b>CLAIM FOR DAMAGE, INJURY, OR DEATH</b>		<b>INSTRUCTIONS:</b> Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		<b>FORM APPROVED</b> OMB NO. 1105-0008	
1. Submit To Appropriate Federal Agency: <b>U.S. DOJ</b> <b>950 Pennsylvania Ave NW</b> <b>Washington, DC 20530-001</b>			2. Name, Address of claimant and claimant's personal representative, if any. (See Instructions on reverse.) (Number, Street, City, State and Zip Code) <b>Martin S. Gottesfeld</b> <b>Reg. No.: 12982-104</b> <b>Federal Correctional Institution</b> <b>P.O. Box 33, Terre Haute, IN 47808</b>		
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input type="checkbox"/> CIVILIAN	4. DATE OF BIRTH <b>03/05/1984</b>	5. MARITAL STATUS <b>Married</b>	6. DATE AND DAY OF ACCIDENT <b>July 2014 - ongoing</b>	7. TIME (A.M. OR P.M.) <b>Unknown</b>	
8. Basis of Claim (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary.) <div style="text-align: right;"><b>See attached statement of facts</b></div>					
<b>9. PROPERTY DAMAGE</b>					
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF DAMAGE AND THE LOCATION WHERE PROPERTY MAY BE INSPECTED. (See Instructions on reverse side.)					
<b>10. PERSONAL INJURY/WRONGFUL DEATH</b>					
STATE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE NAME OF INJURED PERSON OR DECEDENT.					
<b>11. WITNESSES</b>					
NAME		ADDRESS (Number, Street, City, State, and Zip Code)			
<b>12. (See instructions on reverse.) AMOUNT OF CLAIM (in dollars)</b>					
12a. PROPERTY DAMAGE	12b. PERSONAL INJURY <b>\$50,000,000,000</b>		12c. WRONGFUL DEATH	12d. TOTAL (Failure to specify may cause forfeiture of your rights.) <b>\$50,000,000,000</b>	
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM					
13a. SIGNATURE OF CLAIMANT (See Instructions on reverse side.) 			13b. Phone number of person signing form <b>Not Applicable</b>		14. DATE OF SIGNATURE <b>08/24/2019</b>
<b>CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM</b>  The claimant is liable to the United States Government for the civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729.)			<b>CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS</b>  Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)		

Statement of Facts:

1. This statement of facts is being made by Mr. Martin S. Gottesfeld, federal registration number 12982-104, pursuant to 18 U.S.C. §2712(b)(1) for a violation(s) of 18 U.S.C. §§ 2501 et seq. and 2701 et seq., hereafter the "wrongful act(s)."

2. The wrongful act(s) became known to Mr. Gottesfeld less than two (2) years ago in 2017 through discovery in the case of United States v. Gottesfeld (D. Mass. 16-cr-10305) and there was no prior way for Mr. Gottesfeld to have otherwise discovered the wrongful act(s) through reasonable diligence due to measures taken by agents of the United States to hide the wrongful act(s) from Mr. Gottesfeld.

3. Mr. Gottesfeld is not the only victim of the wrongful act(s) and Mrs. Dana E. Gottesfeld is at least one (1) other such victim.

4. There was likewise no prior way for other victims including Mrs. Dana E. Gottesfeld to have discovered the wrongful act(s) through reasonable diligence due to measures taken by agents of the United States to hide the wrongful acts from all the victims, including Mrs. Gottesfeld.

5. Beginning in approximately July 2014, FBI Special Agent Michael W. Tunick, then of the Boston FBI Cybercrime Squad, knowingly and with malicious intent, accompanied by then--Assistant-U.S.-Attorney Adam J. Bookbinder and Assistant-U.S.-Attorney David J. D'Addio, each acting either negligently in their duties as officers of the court or with knowing and malicious intent, did violate 18 U.S.C. §3121(c) by misleading U.S. Magistrate Judge Jennifer Boal through obfuscatory technical jargon and outright falsehood into issuing a pen-register/tap-and-trace order purporting to authorize them, as agents of the United States, to intercept the contents of Internet communications without a warrant at Mr. Gottesfeld's home, located at 28 Albion St., Apt 1, Somerville, MA 02143.

6. By defrauding the court, Special Agent Tunick and AUSAs Bookbinder and D'Addio, then intercepted without a warrant the TCP and UDP port numbers of all Internet communications over Mr. Gottesfeld's home Internet connection for a months-long period ending in 2014 (or so these agents say).

7. TCP and UDP port numbers clearly and irrefutably are contents as defined by the relevant statute, 18 U.S.C. §2510(8).

8. Anyone with the technical skills and experience that Special Agent Tunick purported himself to have in his application to Magistrate Boal would know that TCP and UDP port numbers clearly and irrefutably qualify as contents under 18 U.S.C. §2510(8).

9. The wrongful act(s) were the proximate cause of a later unlawful search of Mr. Gottesfeld's home at 28 Albion St., Apt. 1, Somerville, MA 02143, and the seizure of thousands of dollars of Mr. Gottesfeld's equipment.

10. The wrongful act(s) were also the proximate cause of great emotional damage to Mr. and Mrs. Gottesfeld, ultimately leading to their flight at great risk, great financial cost, and great reputational harm, as well as loss of liberty, away from the perpetrators of these and other wrongful acts.

11. The wrongful act(s) proximately caused the unlawful and immoral prosecution of Mr. Gottesfeld, and in turn, his continuing loss of liberty, familial and marital consortium, income, business opportunities, public and professional stature, physical and mental health, and other damages. The wrongful

wrongful acts also proximately caused Mr. and Mrs. Gottesfeld to suffer reputational harm and financial harm in unsuccessful attempts at mitigation.

12. At every stage, Special Agent Tunick and AUSAs Bookbinder and D'Addio conspired with themselves and other agents to deny Mr. Gottesfeld any and all relief to which he was entitled under the laws of the United States, and these concerted and willful efforts caused Mr. Gottesfeld to suffer further financial, reputational, Constitutional, physical, and mental harms.

13. The wrongful act(s) further caused Mr. Gottesfeld to lose his freedom of association and deprived him of his freedom of speech, freedom of the press, freedom from unreasonable searches and seizures, his right to Due Process, to the counsel of his choice, and his freedom from cruel and unusual punishment.

14. Mr. Gottesfeld calculates his total loss to a sum certain of fifty (50) billion dollars, i.e. \$50,000,000,000.



## INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of his vehicle or property.

15. Do you carry accident insurance? ☐ Yes If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number. ☐ No

Not Applicable

16. Have you filed a claim on your insurance carrier in this instance, and if so, is it full coverage or deductible? ☐ Yes ☐ No

17. If deductible, state amount.

Not Applicable

Not Applicable

18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts.)

19. Do you carry public liability and property damage insurance? ☐ Yes If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code). ☐ No

Not Applicable

## INSTRUCTIONS

Claims presented under the Federal Tort Claims Act should be submitted directly to the "appropriate Federal agency" whose employee(s) was involved in the incident. If the incident involves more than one claimant, each claimant should submit a separate claim form.

Complete all items - Insert the word NONE where applicable.

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY

Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

If instruction is needed in completing this form, the agency listed in item #1 on the reverse side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency.

The claim may be filed by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item #12 of this form.

DAMAGES IN A SUM CERTAIN FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN TWO YEARS AFTER THE CLAIM ACCRUES.

The amount claimed should be substantiated by competent evidence as follows:

(a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.

(b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.

(c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.

(d) Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.

## PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

A. **Authority:** The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.

B. **Principal Purpose:** The information requested is to be used in evaluating claims.  
C. **Routine Use:** See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.  
D. **Effect of Failure to Respond:** Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid".

## PAPERWORK REDUCTION ACT NOTICE

This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Torts Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, D.C. 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.

Martin S. Gottesfeld  
Reg. No.: 12982-104  
Federal Correctional Institution  
P.O. Box 33  
Terre Haute, IN 47808



USPS TRACKING #



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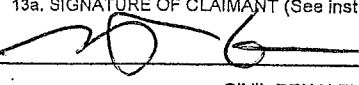
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7590-15-000-7648



Saturday, August 24th, 2019, Houston v. Lack, 487 U.S. 266 (1988)

Saturday, Aug. 24th, 2019  
Awaiting mailing label for  
U.S. AG's office



<b>CLAIM FOR DAMAGE, INJURY, OR DEATH</b>		<b>INSTRUCTIONS:</b> Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		FORM APPROVED OMB NO. 1105-0008	
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8. Basis of Claim (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary.) <div style="text-align: right; padding-right: 50px;"><b>See attached statement of facts</b></div>					
9. <b>PROPERTY DAMAGE</b>					
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF DAMAGE AND THE LOCATION WHERE PROPERTY MAY BE INSPECTED. (See Instructions on reverse side.)					
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17. If deductible, state amount.

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If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item #12 of this form.

DAMAGES IN A SUM CERTAIN FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN TWO YEARS AFTER THE CLAIM ACCRUES.

The amount claimed should be substantiated by competent evidence as follows:

(a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.

(b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.

(c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.

(d) Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.

## PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

A. *Authority:* The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.

B. *Principal Purpose:* The information requested is to be used in evaluating claims.  
C. *Routine Use:* See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.  
D. *Effect of Failure to Respond:* Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid".

## PAPERWORK REDUCTION ACT NOTICE

This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Torts Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, D.C. 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.

Martin S. Gottesfeld  
Reg. No.: 12982-104  
Federal Correctional Institution  
P.O. Box 33  
Terre Haute, IN 47808



USPS TRACKING #



Label 400 Jan 2013  
7899 16-000-7848

9114 9023 0722 4293 0882 68



Saturday, August 24th, 2019, Houston v. Lack, 487 U.S. 266 (1988)

Saturday, Aug. 24th, 2019  
Awaiting mailing label for  
FBI HQ

To: CMU Unit Team  
From: Martin S. Gottesfeld (Reg. No.: 12982-104)  
Date: Tuesday, September 10th, 2019  
Subject: U.S. Postal Service tracking information?

Salutations Unit Team,

I hope you are well.

May I please get the latest available U.S. Postal Service tracking information for the following tracking numbers?

9114 9023 0722 4293 0879 95 (SASE to PCCF) *says label not created*

9114 9023 0722 4293 0882 68 (If delivered, may I please get a print out for my records?)

9114 9023 0722 4293 0882 82 (If delivered, may I please get a print out for my records?)

9114 9023 0722 4293 0880 39 *delivered a/c*

9114 9023 0722 4293 0880 77 *delivered a/c*

Thanks,



Martin S. Gottesfeld



# USPS Tracking® FAQs (https://www.usps.com/faqs/uspstracking-faqs.htm)

**Track Another Package +**

**Tracking Number:** 9114902307224293088282

[Remove](#)

Your item was delivered at 5:49 am on September 6, 2019 in WASHINGTON, DC 20530. September 6, 2019

## Delivered

September 6, 2019 at 5:49 am  
Delivered  
WASHINGTON, DC 20530

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September 6, 2019 at 5:49 am

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# USPS Tracking® FAQs [\(https://www.usps.com/faqs/uspstracking-faqs.htm\)](https://www.usps.com/faqs/uspstracking-faqs.htm)

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**Tracking Number:** 9114902307224293088268

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Your item was delivered at 6:02 am on September 9, 2019 in WASHINGTON, DC 20535.

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September 9, 2019 at 6:02 am  
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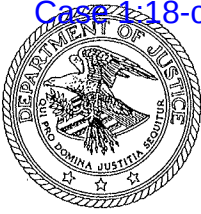
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**U.S. Department of Justice**

Civil Division, Torts Branch  
Federal Tort Claims Act Staff

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*Post Office Box 888  
Benjamin Franklin Station  
Washington, D.C. 20044*

GKJ:HLSwann:hls  
157-16-NEW

September 18, 2019

Mr. Martin S. Gottesfeld  
Reg. No. 12982-104  
FCI Terre Haute  
Federal Correctional Institution  
P.O. Box 33  
Terre Haute, IN 47808

Re: Administrative Tort Claim of Martin S. Gottesfeld

Dear Mr. Gottesfeld:

This is in response to your administrative tort claim dated August 24, 2019, which you submitted to the Department of Justice (Department). The Department received the claim on September 6, 2019. The Department will be handling your claim as lead agency pursuant to 28 C.F.R. § 14.2(b). All future correspondence concerning this claim should be directed to the Department at the address above. We will contact you if further information is needed.

Very truly yours,

A handwritten signature in cursive script that reads "Hope L. Swann".

HOPE L. SWANN  
Paralegal Specialist  
Civil Division, Torts Branch

Exhibit 8

2017 Edition



# Federal-State Court Directory

Federal Judges • Clerks of Court • Court Librarians  
Probation Officers • Federal Prosecutors  
Federal Public Defenders • Court Enforcement

Leadership Directories



2017 Edition

# Federal-State Court Directory

Federal Judges • Clerks of Court • Court Librarians  
Probation Officers • Federal Prosecutors  
Federal Public Defenders • Court Enforcement

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U.S. District Courts		United States District Court for the District of Massachusetts		69
<b>United States Bankruptcy Court for the District of Maryland</b> <i>continued</i>		<b>United States District Court for the District of Massachusetts</b> <i>continued</i>		
Bankruptcy Judge <b>Wendelin I. Lipp</b> .....	(301) 344-3377	District Judge <b>George A. O'Toole, Jr.</b> Suite 4730 .....	(617) 748-9618	
Began Service: November 24, 1993		Appointed By: President William J. Clinton		
6500 Cleft, MD 20770		E-mail: george_otoole@mad.uscourts.gov		
Bankruptcy Judge <b>Robert A. Gordon</b> .....	(410) 962-4162	District Judge <b>F. Dennis Saylor IV</b> .....	(617) 748-9212	
Began Service: June 2006		Appointed By: President George W. Bush		
Bankruptcy Judge <b>David E. Rice</b> .....	(410) 962-4211	E-mail: dennis.saylor@mad.uscourts.gov		
Began Service: April 1, 2011		District Judge <b>Dennis J. Casper</b> .....	(617) 748-4829	
Bankruptcy Judge (recalled) <b>E. Stephen Derby</b> Room 9442 .....	(410) 962-7801	Appointed By: President Barack Obama		
Began Service: December 9, 1987		E-mail: dennis.casper@mad.uscourts.gov		
Bankruptcy Judge (recalled) <b>Duncan W. Keir</b> Chambers 1B .....	(410) 962-3555	District Judge <b>Timothy S. Hillman</b> .....	(508) 929-9904	
Began Service: 2012		Appointed By: President Barack Obama		
		E-mail: hillman@mad.uscourts.gov		
<b>Court Staff</b>		District Judge <b>Indira Talwani</b> .....	(617) 748-9152	
Clerk <b>Mark A. Neal</b> .....	(410) 962-2688	Appointed By: President Barack Obama		
		E-mail: indira.talwani@mad.uscourts.gov		
<b>U.S. Attorney</b>		District Judge <b>Mark G. Mastroianni</b> .....	(617) 785-6804	
<b>Maryland District</b>		Appointed By: President Barack Obama		
36 South Charles Street, 4th Floor, Baltimore, MD 21201		District Judge <b>Leo T. Sorokin</b> .....	(617) 748-4231	
Tel: (410) 209-4800 Fax: (410) 962-3124 Fax: (410) 962-0122		Appointed By: President Barack Obama		
U.S. Attorney <b>Rod J. Rosenstein</b> .....	(410) 209-4800	District Judge <b>Allison Dale Benboughs</b> .....	(617) 748-4232	
E-mail: rod.rosenstein@usdoj.gov		Appointed By: President Barack Obama		
<b>Federal Public Defender</b>		District Judge <b>Michael A. Ponsor</b> .....	(413) 785-6824	
<b>Office of the Federal Public Defender for the District of Maryland</b>		Appointed By: President William J. Clinton		
Nations Bank Center Tower II, 100 South Charles Street, Ninth Floor, Baltimore, MD 21201-1201		E-mail: michael.ponsor@mad.uscourts.gov		
Capitol Office Park 4, 6411 Ivy Lane, Room 710, Greenbelt, MD 20770		Senior Judge <b>Mark L. Wolf</b> .....	(617) 748-9272	
Tel: (410) 962-3962 (Baltimore) Fax: (410) 962-0872 (Baltimore)		Appointed By: President Ronald Reagan		
Tel: (301) 344-0600 (Greenbelt) Fax: (301) 344-0019 (Greenbelt)		E-mail: mark_wolf@mad.uscourts.gov		
Federal Public Defender <b>James "Jim" Wyda</b> .....	(410) 962-3962	Senior Judge <b>Joseph L. Tauro</b> .....	(617) 748-9288	
E-mail: jim_wyda@fd.org		Appointed By: President Richard M. Nixon		
		E-mail: honorable_joseph.tauro@mad.uscourts.gov		
		Senior Judge <b>Rya W. Zobel</b> .....	(617) 748-9144	
		Appointed By: President Jimmy Carter		
		John Joseph Moakley U.S. Courthouse, One Courthouse Way, Suite 2300, Boston, MA 02210		
		Tel: (617) 748-9152 Fax: (617) 748-9096		
		Internet: www.mad.uscourts.gov		
<b>United States District Court for the District of Massachusetts</b>		Senior Judge <b>Douglas P. Woodlock</b> Suite 4110 .....	(617) 748-9293	
John Joseph Moakley U.S. Courthouse, One Courthouse Way, Suite 2300, Boston, MA 02210		Appointed By: President Ronald Reagan		
Tel: (617) 748-9152 Fax: (617) 748-9096		E-mail: douglas.woodlock@mad.uscourts.gov		
Internet: www.mad.uscourts.gov		Chief Magistrate Judge <b>Jennifer C. Boal</b> .....	(617) 748-9238	
<b>Number of Judgeships: 13</b>		Appointed By: President George H.W. Bush		
<b>Number of Vacancies: 1</b>		E-mail: jennifer.boal@mad.uscourts.gov		
<b>Circuit: First</b>		Magistrate Judge <b>Mananne B. Bowler</b> Suite 8420 .....	(617) 748-9219	
		Appointed By: President Barack Obama		
		E-mail: Mananne.Bowler@mad.uscourts.gov		
		Magistrate Judge <b>Kenneth P. Neuman</b> .....	(413) 785-6818	
		Appointed By: President Bill Clinton		
		E-mail: kenneth.neuman@mad.uscourts.gov		
		Magistrate Judge <b>Gail Dein</b> Room 6420 .....	(617) 748-4736	
		Appointed By: President Ronald Reagan		
		E-mail: gail.dein@mad.uscourts.gov		
		Magistrate Judge <b>David H. Hennessey</b> .....	(508) 929-9905	
		Appointed By: President George H.W. Bush		
		E-mail: david.hennessey@mad.uscourts.gov		
		Magistrate Judge <b>M. Page Kelley</b> .....	(617) 748-9183	
		Appointed By: President George H.W. Bush		
		E-mail: mpage.kelley@mad.uscourts.gov		
		Magistrate Judge <b>Katherine A. "Katy" Robertson</b> .....	(413) 785-6802	
		Appointed By: President George H.W. Bush		
		E-mail: kathy.robertson@mad.uscourts.gov		
		Magistrate Judge <b>Donald L. Cabell</b> .....	(617) 748-9233	
		Appointed By: President George H.W. Bush		
		E-mail: donald.cabell@mad.uscourts.gov		
		Magistrate Judge (recalled) <b>Jerome J. Niedermeier</b> .....	(617) 748-9155	
		Appointed By: President Bill Clinton		
		E-mail: honorable_jerome.niedermeier@mad.uscourts.gov		

(continued on next page)

**United States District Court for the District of Massachusetts continued**

Magistrate Judge (recalled) **Robert B. Collings** ..... (617) 748-9229  
 Began Service: 1994  
 Appointed By: President William J. Clinton  
 District Judge **Michael J. Conley** ..... (617) 748-4200  
 One Courthouse Way, Suite 7420,  
 Boston, MA 02210-3008

**Court Staff**

Clerk of Court **Robert M. Farrell** ..... (617) 748-9165  
 Chief Probation/Pretrial Officer **Christopher Maloney** ..... (617) 748-4200

**United States Bankruptcy Court for the District of Massachusetts**

John W. McCormack Post Office and Courthouse, 5 Post Office Square,  
 Suite 1150, Boston, MA 02109-3942  
 Tel: (617) 748-5300 Tel: (617) 748-5350 (PACER)  
 Tel: (617) 748-5311 (PACER) Tel: (888) 201-5371 (Toll Free PACER)  
 Tel: (888) 201-5372 (Toll Free Voice Case Information System VICS)  
 Tel: (508) 770-8900 (Worcester Divisional Office) Fax: (617) 748-5315  
 Fax: (508) 793-0189 (Worcester Divisional Office Intake Fax)  
 Internet: www.mab.uscourts.gov

**Number of Judgeships: 5****Judges**

Chief Bankruptcy Judge **Melvin S. Hoffman** ..... (617) 748-5300  
 Bankruptcy Judge **Frank J. Bailey** ..... (617) 748-5300  
 Began Service: 2010  
 Bankruptcy Judge **Joan N. Feeney** ..... (617) 748-6631  
 Began Service: 1992  
 Bankruptcy Judge **Christopher J. Panos** ..... (508) 770-8927  
 Began Service: 2016

**Court Staff**

Bankruptcy Clerk **James M. Lynch** ..... (617) 748-5300  
 E-mail: james\_lynch@mab.uscourts.gov

**U.S. Attorney****Massachusetts District**

John Joseph Moakley U.S. Courthouse, One Courthouse Way,  
 Suite 9200, Boston, MA 02210  
 Tel: (617) 748-3100 Fax: (617) 748-3953  
 U.S. Attorney **Carmen Milagros Ortiz** ..... (617) 748-3100  
 E-mail: carmen.ortiz@usdoj.gov

**Federal Public Defender****Federal Public Defender Office - District of Massachusetts, New Hampshire and Rhode Island**

51 Steeple Street, 3th Floor, Boston, MA 02210  
 The Ralph FWH Building, 22 Bridge Street, Third Floor,  
 Concord, NH 03301-4922  
 101 Weybosset Street, Third Floor, Providence, RI 02903  
 Tel: (317) 223-8061 (Boston) Tel: (603) 725-7160 (Concord)  
 Tel: (401) 528-4281 (Providence) Fax: (617) 223-8080 (Boston)  
 Fax: (603) 228-7338 (Concord) Fax: (401) 528-4284 (Providence)  
 Federal Public Defender **Miriam Conrad** ..... (617) 223-8061  
 E-mail: miriam.conrad@fd.org

**United States District Court for the Eastern District of Michigan**

Theodore Levin U.S. Courthouse, 231 West Lafayette Boulevard,  
 Detroit, MI 48226  
 Tel: (313) 234-5005 Tel: (313) 226-7249 (PACER)  
 Tel: (313) 234-4934 (PACER) Fax: (313) 234-5395  
 Internet: www.med.uscourts.gov

**Number of Judgeships: 15****Circuit: Sixth**

**Areas Covered:** Counties of Alcona, Alpena, Arenac, Bay, Cheboygan,  
 Clare, Crawford, Genesee, Gladwin, Gratiot, Huron, Iosco, Isabella,  
 Jackson, Lapeer, Lenawee, Livingston, Macomb, Midland, Monroe,  
 Montcalm, Oakland, Ogemaw, Oscoda, Otsego, Presque Isle,  
 Roscommon, Saginaw, Sanilac, Shiawassee, St. Clair, Tuscola, Washtenaw  
 and Wayne

**Judges**

Chief Judge **Denise Page Hood** Room 251 ..... (313) 234-5300  
 Began Service: June 11, 1994  
 Appointed By: President William J. Clinton  
 District Judge **Gerald E. Rosen** Room 707 ..... (313) 234-5300  
 Began Service: 1990  
 Appointed By: President George H.W. Bush  
 E-mail: gerald\_rosen@med.uscourts.gov  
 District Judge **Victoria A. Roberts** Room 123 ..... (313) 234-5300  
 Began Service: August 11, 1998  
 Appointed By: President William J. Clinton  
 E-mail: victoria\_roberts@med.uscourts.gov  
 District Judge **Paul David Borman** Room 740 ..... (313) 234-5300  
 Began Service: September 2, 1994  
 Appointed By: President William J. Clinton  
 E-mail: paul\_borman@med.uscourts.gov  
 District Judge **David M. Lawson** Room 802 ..... (313) 234-5300  
 Began Service: August 4, 2000  
 Appointed By: President William J. Clinton  
 E-mail: david\_lawson@med.uscourts.gov  
 District Judge **Sean F. Cox** Room 257 ..... (313) 234-5300  
 Began Service: June 2006  
 Appointed By: President George W. Bush  
 E-mail: sean\_cox@med.uscourts.gov  
 District Judge **Thomas L. Ludington** ..... (989) 894-8800  
 Began Service: June 30, 2006  
 Appointed By: President George W. Bush  
 E-mail: thomas\_ludington@med.uscourts.gov  
 District Judge **Stephen Joseph Murphy III** Room 235 ..... (313) 234-5300  
 Began Service: July 2, 2008  
 Appointed By: President George W. Bush  
 E-mail: stephen\_murphy@med.uscourts.gov  
 District Judge **Mark A. Goldsmith** ..... (313) 234-5300  
 Began Service: June 21, 2008  
 Appointed By: President Barack Obama  
 E-mail: mark\_goldsmith@med.uscourts.gov  
 District Judge **Gershwin A. Drain** Room 123 ..... (313) 234-5215  
 Began Service: September 29, 2012  
 Appointed By: President Barack Obama  
 E-mail: gershwin\_drain@med.uscourts.gov  
 District Judge **Terence G. Berg** ..... (810) 341-9060  
 Began Service: December 7, 2012  
 Appointed By: President Barack Obama  
 E-mail: terence\_berg@med.uscourts.gov  
 District Judge **Judith Ellen Levy** ..... (734) 887-7000  
 Began Service: March 14, 2014  
 Appointed By: President Barack Obama  
 E-mail: judith\_levy@med.uscourts.gov  
 Ann Arbor, MI 48104  
 District Judge **Lauro J. Michelson** 640 ..... (313) 234-5305  
 Began Service: March 14, 2014  
 Appointed By: President Barack Obama  
 E-mail: lauro\_michelson@med.uscourts.gov  
 District Judge **Matthew Frederick Leitman** Room 1013 ..... (313) 234-5305  
 Began Service: March 14, 2014  
 Appointed By: President Barack Obama  
 E-mail: matthew\_leitman@med.uscourts.gov







Exhibit 9

2 magistrates

A B  $\frac{1}{2}$  month are wait for emerg. mag. 50% chance in random draw  
 1 2 0 wait for either role  
 0 1 2 possible rotations AB, BA or BA, AB

3 magistrates

A B C  $\frac{1}{3}$  month are wait for emerg. mag. 33 1/3% chance in random draw  
 1 2 3  $\frac{1}{3}$  month are wait for either role = 10.1 days  
 0 1 2 12 possible unique 3-month rotations

$$12 \text{ } 0: 3(2) = 6$$

0:  $3(2) = 6$  ~~BA~~ AB AC 2 1: AB,  $3(2) - 3 - 1 = 2$   
 1:  $3(2) - (3 + 1) = 2$  BA BR BC 2 2a: BC,  $3(2) - 3 - 1 - 1 = 1$ , CA  
 2:  $3(2) - (3 + 1) - 1 = 1$  CA CB ~~CB~~

$$0: \frac{2}{3} \cdot 12 = 8 \quad \frac{4}{12}$$

$$1: \frac{2}{3} \cdot (12 - 8) = 4$$

4 magistrates

A B C D  $\frac{1}{4}$  month are wait for emerg. mag. 25% chance in random draw.  
 1 2 3 4  $\frac{4}{7}$  month are wait for either role = 17.39 days  
 0 1 2 3 24 possible unique 4-month rotations

$$0: \frac{2}{4} = 6: 12 = 108 \quad 0: 3 \quad \frac{9}{7}$$

$$1: \frac{2}{3} \cdot 108 = 72 \quad 1: 2$$

$$2: \frac{1}{4} \cdot 36 = 36 \quad 2: 1$$

5 magistrates

A B C D E 2 month are wait for emerg. mag. 20% chance in random draw  
 1 2 3 4 5 1 month are wait for either role = 30.4375 days  
 0 1 2 3 4 5280 possible unique 5-month rotations



$A \ B \ C \ D$  1.5 month we wait for part. em. mg.  
 $AB \ AC \ AD$   $1 \ 2 \ 3 \ 4$   $4 \overline{) 6}$   
 $BA \ BC \ BD$   $0 \ 1 \ 2 \ 3$   
 $CA \ CB \ CD$  25% chance in random draw  
 $DA \ DB \ DC$   $12 \cdot 18 = 216$  possible unique 4-month relations  
 17.39 days we wait for part. mg. to fill either role.

216	12	0: $4(3) = 12$
18	1	1: $4(3) - 5 = 7 \ AB$
2	1	2a: $BA = 4(3) - 5 - 5 = 2 = n = 2$
8	4	2b: $BC = 4(3) - 5 = (4+1) = 2, BD, CA, DA, n = 3 @ 1$
8	2	2c: $CD = 4(3) - 5 - 3 = 4, DC \quad \overset{n}{A} \overset{n}{B} \overset{n}{C} \overset{n}{D} = 8$
2	1	3a: $DC = 4(3) - 5 - 5 - 1 = 1, CD$
2	1	3b: $DA = 4(3) - 5 - 4 - 2 = 1, AD$
4	1	3c: $BC = 4(3) - 5 - 4 - 3 = 1, BA, DA, DC$

0: $4(3) = 12$	2a: $n^2 - 5n + 6$	2c: $2n^2 - 10n + 16$	$= n + 6$
1: $BC = 4(3) - 5 = 7$	2b: $4n^2 - 20n + 24$		
2a: $CB = 4(3) - 5 - 5 = 2$			
2b: $AB = 4(3) - 5 - 5 = 2, CA, CD, DB$			} 18
2c: $DA = 4(3) - 5 - 3 = 4, AD,$			

$2n^2 - 10n + 16$

0: $2:4 : \frac{1}{2} \cdot 216 = 108$	0: 3
1: $12:18 : \frac{2}{3} \cdot 108 = 72$	1: 2
2: $1:1 : \frac{1}{1} \cdot 36 = 36$	2: 1

17.39 days  
 month we wait for part. mg. to fill either role

$(n^2 - n)(7n^2 - 35n + 46)$   
 $7n^4 - 7n^3 - 35n^3 + 35n^2 + 46n^2 - 46n$   
 $7n^4 - 42n^3 + 81n^2 - 46n = 216$

A B C D E      2 month avg. wait for pert. em. mgr.

0 1 2 3 4 5 10

1 2 3 4 5

20% chance in random draw

$20 \cdot 264 = 5280$  possible unique 5 month rotations

1 month avg. wait for pert. mgr. in either role = 30.43C days

~~AB AC AD AE~~ BA BC BD BE

$$0: \frac{2}{5} \cdot 5280 = 2112 / 4$$

~~CA CB CD CE~~

$$1: \frac{1}{2} \cdot 3168 = 1584 / 3$$

DA DB DC DE

$$2: \frac{2}{3} \cdot 1584 = 1056 / 2$$

$$(3) + (4) + (4) + (4)$$

EA EB EC ED

$$3: \frac{1}{4} \cdot 528 = 528 / 1$$

$$0: 5C4 = 20 = (n^2 - n)$$

$$20 \cdot 264 = 5280$$

$$1: 5C4 - 7 = 13 \quad AE = (n^2 - 3n + 3)$$

$$1 \cdot (12 + 108 + 144) = 264$$

$$2a: BA = 5C4 - 7 - 7 = 6, n = 3$$

$$(1 \cdot 12) = 12$$

$$2b: BC = 5C4 - 7 - 6 = 7, BD, BE, CA, DA, EA$$

$$(6 \cdot (8 + 8 + 2)) = 108, n = 4 @ 1$$

$$2c: CD = 5C4 - 7 - 5 = 8, CE, DE, EC, ED$$

$$(6 \cdot (8 + 8)) = 144$$

$$3a: ED = 5C4 - 7 - 7 - (3+1) = 2, (E, BC, DE, EC, ED)$$

$$(6 \cdot 2) = 12 \quad \frac{2}{3} \cdot 12 = 8$$

$$3b1: CA = 5C4 - 7 - 7 - 5 = 2$$

$$(1 \cdot 2) = 2$$

$$3b2: CB = 5C4 - 7 - 7 - (4+1) = 2, (E, DA, EA)$$

$$(4 \cdot 2) = 8$$

$$\frac{1}{4} \cdot 8 = 4$$

$$3b3: DE = 5C4 - 7 - 7 - 2 = 4, ED$$

$$(2 \cdot 4) = 8$$

$$\frac{2}{2} \cdot 8 = 8$$

$$3c1: BA = 5C4 - 7 - 5 - (5+1) = 2, BC, DA, DC, (4 \cdot 2) = 8, n = 3 @ 1$$

$$3c2: BE = 5C4 - 7 - 5 - 4 = 4, DE, EA, EC, (4 \cdot 4) = 16, n = 4 @ 3 @ \frac{4}{4} \cdot 16 = 16$$

$$4a: DE = 5C4 - 7 - 7 - (3+1) - 1 = 1, EC$$

$$2$$

$$4b1: DE = 5C4 - 7 - 7 - 5 - 1 = 1, ED$$

$$2$$

$$4b2: DE = 5C4 - 7 - 7 - (4+1) - 1 = 1, EA$$

$$2$$

$$4b3: CA = 5C4 - 7 - 7 - 2 - 3 = 1, CD, EA, ED$$

$$4$$

$$4c1: DB = 5C4 - 7 - 5 - (5+1) - 1 = 1, EC$$

$$2$$

$$4c2: DA = 5C4 - 7 - 5 - 4 - 3 = 1, DC, EA, EC$$

$$4$$

2.5 months are wait for emerg. med.

6/15

16 2/3 % chance in random draw

30 \* 6360 = 190,800 unique 6-month rotations

20/15 = 1 1/3 month increment for port. med. in either role = 40.58 days

	AB	AC	AD	AE	AF		
BA	BC	BD	BE	BF	0; 2:6; 1/3 * 190800 = 63600	5	
CA	CB	CD	CE	CF	1:2:5; 2/3 * 127200 = 50880	4	
DA	DB	DC	DE	DF	2:1:2; 1/2 * 76320 = 38160	3	
EA	EB	EC	ED	EF	3:2:3; 2/3 * 38160 = 25440	2	
FA	FB	FC	FD	FE	4:1:1; 1/4 * 12720 = 12720	1	

190,800	30	0: $6(S) = 30 = \binom{n^2 - n}{1}$	
6360	1	1: $6(S) - 9 = 21$ AB = $\binom{n^2 - 3n + 3}{1}$	
216	1	2a: BA = $6(S) - 9 - 9 = 12$ , n = 4	
2112	8	2b: BC = $6(S) - 9 - 8 = 13$ , BD, BE, BF, CA, DA, EA, FA, n = 5 @ 1	$\frac{1}{4} \cdot 2112 = 528$
4032	12	2c: CD = $6(S) - 9 - 7 = 14$ , CE, CF, DE, DF, EC, ED, EF, FC, FD, FE	$\frac{1}{2} \cdot 4032 = 2016$
216	12	3a: CD = $6(S) - 9 - 9 - 5 = 7$ , CE, CF, DE, DF, EC, ED, EF, FC, FD, FE	$\frac{1}{2} \cdot 216 = 108$ 2544
12	1	3b1: CA = $6(S) - 9 - 8 - 7 = 6$ n = 3	
108	6	3b2: CD = $6(S) - 9 - 8 - 6 = 7$ , CE, CF, DA, FA, FA	$\frac{1}{3} \cdot 108 = 36$
144	6	3b3: DE = $6(S) - 9 - 8 - 5 = 8$ , DF, ED, EF, FD, FE, n = 5 @ 2c	$\frac{2}{3} \cdot 144 = 96$
72	4	3c1: BA = $6(S) - 9 - 7 - 7 = 7$ , BC, DA, DC, n = 4 @ 1	
192	8	3c2: BE = $6(S) - 9 - 7 - 6 = 8$ , BF, DE, DF, EA, EC, FA, FC, n = 5 @ 2c	$\frac{1}{2} \cdot 192 = 96$
72	2	3c3: EF = $6(S) - 9 - 7 - 5 = 9$ , FE	$\frac{2}{3} \cdot 72 = 72$
2	1	4a1: DC = $6(S) - 9 - 9 - 5 - 5 = 2$	408
8	4	4a2: DE = $6(S) - 9 - 9 - 5 - (4 + 1) = 2$ , DF, EC, FC	$\frac{1}{2} \cdot 8 = 4$
8	2	4a3: EF = $6(S) - 9 - 9 - 5 - 3 = 4$ , FE	$\frac{2}{2} \cdot 8 = 8$
12	6	4b1: DE = $6(S) - 9 - 8 - 7 - (3 + 1) = 2$ , DF, ED, EF, FD, FE	$\frac{2}{3} \cdot 12 = 8$
2	1	4b2a: DA = $6(S) - 9 - 8 - 6 - 5 = 2$ n = 2	
8	4	4b2b: DE = $6(S) - 9 - 8 - 6 - (4 + 1) = 2$ , DF, EA, FA, n = 3 @ 1	$\frac{1}{2} \cdot 8 = 4$
8	2	4b2c: EF = $6(S) - 9 - 8 - 6 - 3 = 4$ , FE	$\frac{2}{2} \cdot 8 = 8$

- 8 4 4b3a:  $A = 6(S) - 9 - 8 - 5 - (S+1) = 2, CD, FA, FD$
- 16 4 4b3b:  $CF = 6(S) - 9 - 8 - 5 - 4 = 4, EF, FA, FD$   $\frac{4}{4} \cdot 16 = 16$
- 2 1 4c1a:  $DC = 6(S) - 9 - 7 - 7 - 5 = 2$
- 8 4 4c1b:  $DE = 6(S) - 9 - 7 - 7 - (4+1) = 2, DF, EC, FC$   $\frac{1}{8} \cdot 8 = 4$
- 8 2 4c1c:  $EF = 6(S) - 9 - 7 - 7 - 3 = 4, FE$   $\frac{2}{2} \cdot 8 = 8$
- 8 4 4c2a:  $DA = 6(S) - 9 - 7 - 6 - (S+1) = 2, DC, EA, EC$
- 16 4 4c2b:  $DF = 6(S) - 9 - 7 - 6 - 4 = 4, EF, FA, FC$   $\frac{4}{4} \cdot 16 = 16$
- 36 3 9 4c3:  $BA = 6(S) - 9 - 7 - 6 - 5 = 4, BC, BE, DA, DC, DE, EA, EC, FE, n = 8 \cdot 3 = 24$
- 
- 2 5a1:  $EF = 6(S) - 9 - 9 - 5 - 5 - 1 = 1, FE$
- 2 5a2:  $EF = 6(S) - 9 - 9 - 5 - (4+1) - 1 = 1, FC$
- 4 5a3:  $DC = 6(S) - 9 - 9 - 5 - 3 - 3 = 1, DE, FC, FE$
- 2 5b1:  $EF = 6(S) - 9 - 8 - 7 - (3+1) - 1 = 1, FD$
- 2 5b2a:  $EF = 6(S) - 9 - 8 - 6 - 5 - 1 = 1, FE$
- 2 5b2b:  $EF = 6(S) - 9 - 8 - 6 - (4+1) - 1 = 1, FA$
- 4 5b2c:  $DA = 6(S) - 9 - 8 - 6 - 3 - 3 = 1, DE, FA, FE$
- 2 5b3a:  $EF = 6(S) - 9 - 8 - 5 - (S+1) - 1 = 1, FD$
- 4 5b3b:  $FA = 6(S) - 9 - 8 - 5 - 4 - 3 = 1, ED, FA, FD$
- 2 5c1a:  $EF = 6(S) - 9 - 7 - 7 - 5 - 1 = 1, FE$
- 2 5c1b:  $EF = 6(S) - 9 - 7 - 7 - (4+1) - 1 = 1, FC$
- 4 5c1c:  $DC = 6(S) - 9 - 7 - 7 - 3 - 3 = 1, DE, FC, FE$
- 2 5c2a:  $EF = 6(S) - 9 - 7 - 6 - (S+1) - 1, FC$
- 4 5c2b:  $FA = 6(S) - 9 - 7 - 6 - 4 - 3 = 1, EC, FA, FC$
- 4 5c3:  $DC = 6(S) - 9 - 7 - 6 - 5 - 3 = 1, DE, EC, FE$



3 months are used for emerg. msg

ABCDEFGG	7/21
0123456	14.29% chance in random draw
1234567	$42 \cdot 22480 = 9,344,160$ unique 7-month rotations
	$\frac{35}{24} = 1\frac{2}{3}$ months are used for ports. msg. in either role = 50.73 days
AA AB AC AD AE AF AG	0; 6; $\frac{2}{3} \cdot 9344160 = 2669760$
BA BB BC BD BE BF BG	1; 5; $\frac{1}{3} \cdot 6674400 = 2224800$
CA CB CC CD CE CF CG	2; 4; $\frac{2}{3} \cdot 4449600 = 1779840$
DA DB DC DD DE DF DG	3; 3; $\frac{1}{3} \cdot 2669760 = 1334880$
EA EB EC ED EE EF EG	4; 2; $\frac{2}{3} \cdot 1334880 = 889920$
FA FB FC FD FE FF FG	5; 1; $\frac{1}{3} \cdot 444960 = 444960$
GA GB GC GD GE GF GG	

9344160	42	0: $7(6) = 42 = n^2 - n$
222480	1	1: AB: $7(6) - 11 = 31 = n^2 - 3n + 3$ : 222,480
5280	1	2a: BA: $7(6) - 11 - 11 = 20$ : 5280 (see $n=5$ )
63600	10	2b: BC: $21r$ : 6360 (see $n=6@1$ ), BD, BE, BF, BG, CA, DA, EA, FA, GA
153600	20	2c: CD: $22r$ 7m 4hc: 7680; CE, CF, CG, DC, DE, DF, DG, EC, ED, EE, EG, FG, FD, FE, FG, GC, GD, GE, GF
1056	4	3c1: BA: $13r$ 5m 4hc: 264 (see $n=5@1$ ), BC, DA, DC
4032	12	3c2: BE: $14r$ 6m 4hc: 336 (see $n=6@2c$ ), BF, BG, DE, DF, DG, EA, EC, ED, FC, GA, GC
2592	6	3c3: EF: $15r$ 7m 6hc: 432, EG, FE, FG, GE, GF
216	9	4c3a: BA: $8r$ 5m 4hc: 24 (see $n=6@3b3$ ), BC, BE, DA, DC, DE, EA, FC, FE
216	6	4c3b: BG: $9r$ 6m 6hc: 36 (see $n=26@3c3$ ), DG, FG, GA, GC, GE

A B C D E F G H  $8 \sqrt{28}$  3.5 month ave. wait for port. emerg. mag.

0 1 2 3 4 5 6 7 12.5% chance in random draw

1 2 3 4 5 6 7 8 598,066,560 unique 8-month relations

$\frac{56}{28} = 2$  month ave. wait for port. req. in either role

AA AB AC AD AE AF AG AH  $0; 7; \frac{1}{4} \cdot 598,066,560 = 149,516,640$

BA BB BC BD BE BF BG BH  $1; 6; \frac{2}{7} \cdot 448,549,920 = 128,157,120$

CA CB CC CD CE CF CG CH  $2; 5; \frac{1}{8} \cdot 320,392,800 = 106,797,600$

DA DB DC DD DE DF DG DH  $3; 4; \frac{2}{5} \cdot 213,595,200 = 85,438,080$

EA EB EC ED EE EF EG EH  $4; 3; \frac{1}{2} \cdot 128,157,120 = 64,078,560$

FA FB FC FD FE FF FG FH  $5; 2; \frac{2}{3} \cdot 64,078,560 = 42,719,040$

GA GB GC GD GE GF GG GH  $6; 1; \frac{1}{7} \cdot 213,595,200 = 213,595,200$

HA HB HC HD HE HF HG HH

598,066,560

56  $0: 8(7) = 56 = n^2 - n$

10,679,760

1  $1: AB; 8(7) - 13 = 43 = n^2 - 3n + 3$

190,800

1  $2a: BA; 30r; 990,800 (seen = 6)$

3669,760

12  $2b: BC; 31r; 222,480; 7m the; BD, BE, BF, BG, BH, CA, DA, EA, FA, GA, HA$

7819200

30  $2c: CD; 32r; 8m the; 260640; CE, CF, CG, CH, DE, DF, DG, EH, EG, ED, EF, EG, EH, FG, FD, FE, FG, FH, GC, GD, GE, GF, GH, HC, HD, HE, HF, HG$

25440

4  $3c1: BA; 21r; 6m the; 6360 (n = 6 @ 1); BC, DA, DC$

122880

16  $3c2: BE; 22r; 7m the; 7680 (n = 7 @ 2); BE, BG, BH, DE, DF, DG, EH, EA, EC, FA, FC, GA, GC, HA, HC$

112320

12  $3c3: FF; 23r; 8m the; 9360; EG, EH, FE, FG, FH, GE, GF, GH, HE, HF, HG$

3024

9  $4c3a: BA; 14r; 6m the; 336 (n = 6 @ 2c); BC, BE, DA, DC, DE, FA, FC, FE$

5184

12  $4c3b: BF; 15r; 7m the; 432 (n = 7 @ 3c3); BH, DG, DH, FG, FH, GA, GC, GE, HA, HC, HE$

1152

2  $4c3c: GH; 16r; 8m the; 576; HG$

576

16  $5c3c1: BA; 9r; 6m the; 36 (seen = 6 @ 3c3); BC, BE, BG, DA, DC, DE, DG, FA, FC, FE, FG, HA, HC, HE, HG$



A B C D E F G H I

 $\frac{84}{36} = 2\frac{2}{3}$  months for port. meg. in either role

$$0; 8; \frac{2}{3} \cdot 48,234,009,600 = 10,718,668,800$$

11.1% chance in random draw

$$1; 7; \frac{1}{4} \cdot 37,515,340,800 = 9,378,835,200$$

$$2; 6; \frac{2}{3} \cdot 28,136,505,600 = 8,039,001,600$$

4 months wait for port. em meg.

$$3; 5; \frac{1}{3} \cdot 20,097,504,000 = 6,699,168,000$$

$$4; 4; \frac{2}{5} \cdot 13,398,336,000 = 5,359,334,400$$

$$5; 3; \frac{1}{2} \cdot 8,039,001,600 = 4,019,500,800$$

$$6; 2; \frac{2}{3} \cdot 4,019,500,800 = 2,679,667,200$$

$$7; 1; \frac{1}{4} \cdot 1,339,833,600 = 334,958,400$$

48234009600

669916800

9344160

149516640

511056000

889920

5212800

6065280

69120

166180

65664

8640

2304

$$72 | 0: 9(8) = 72r = n^2 - n$$

$$1 | 1: AB; 9(8) - 1S = 57r = n^2 - 3n + 3$$

$$2 | 2a: BA; 42r; 9344160 (n=7)$$

$$14 | 2b: BC; 43r; 10679760; 8m2hc (n=8e1); BD, BE, BF, BG, BH, BI,$$

CA, CB, FA, FB, GA, GB, DA

$$42 | 2c: CD; 44r; 9m4hc: 12168000; CE, CF, CG, CH, CI, DC, DE, DF, DG, DH, DI, E, ED, EF, EG, EH, EI, FG, FD, FE, FG, FH, FI, GG, GD, GE, GF, GH, GI, HG, HD, HE, HE, HI, IH, ID, IE, IF, IG, IH$$

$$4 | 3c1: BA; 7m2hc: 222480 (n=7e1); BC, DA, DC$$

$$20 | 3c2: BE; 8m4hc: 260640 (n=8e2); BF, BG, BH, BE, DE, DF, DG, AH, DF,$$

FA, EG, FA, FC, GA, GC, HA, HC, JA, JC

$$20 | 3c3: EF; 9m6hc: 33; 303264; EG, EH, EJ, FE, FH, FI, GE, GF, GH, GI, HE,$$

HF, HG, HP, IE, IF, IG, IH

$$9 | 4c3a: BA; 22r; 7m4hc: 7680 (n=27e2); BC, BE, DA, DC, DE, FA, EG, FE$$

$$18 | 4c3b: BG; 23r; 8m6hc: 9360 (n=8e3); BH, BI, DG, DA, DE, FG, FH, FI,$$

GA, GC, GE, HA, HC, HE, JA, JC, IE

$$6 | 4c3c: GH; 24r; 9m8hc: 10944; GI, HG, HI, IG, IH$$

$$20 | 5c3c1: BA; 15r; 7m6hc: 432 (n=27e3); BC, BE, BG, DA, DC, DE, DG, FA, FC, FE, FG, HA,$$

HC, HE, HG, JA, JC, IE, IG

$$4 | 5c3c2: BE; 16r; 8m8hc: 576 (n=8e4); DE, FI, HE$$

Exhibit 10

28 CFR

**§ 540.20 Inmate correspondence with representatives of the news media.**

(a) An inmate may write through "special mail" to representatives of the news media specified by name or title (see § 540.2(b)).

(b) The inmate may not receive compensation or anything of value for correspondence with the news media. The inmate may not act as reporter.

(c) Representatives of the news media may initiate correspondence with an inmate. Staff shall open incoming correspondence from representatives of the media and inspect for contraband, for its qualification as media correspondence, and for content which is likely to promote either illegal activity or conduct contrary to Bureau regulations.

[50 FR 40109, Oct. 1, 1985; 75 FR 21163, 21164, Apr. 23, 2010, as corrected at 75 FR 25110, 25111, May 7, 2010, and as confirmed at 77 FR 19932, 19933, Apr. 3, 2012]

Exhibit 11

28 CFR

**§ 540.100 Purpose and scope.**

(a) The Bureau of Prisons extends telephone privileges to inmates as part of its overall correctional management. Telephone privileges are a supplemental means of maintaining community and family ties that will contribute to an inmate's personal development. An inmate may request to call a person of his or her choice outside the institution on a telephone provided for that purpose. However, limitations and conditions may be imposed upon an inmate's telephone privileges to ensure that these are consistent with other aspects of the Bureau's correctional management responsibilities. In addition to the procedures set forth in this subpart, inmate telephone use is subject to those limitations which the Warden determines are necessary to ensure the security or good order, including discipline, of the institution or to protect the public. Restrictions on inmate telephone use may also be imposed as a disciplinary sanction (see 28 CFR part 541).

(b) Except as provided in this rule, the Warden shall permit an inmate who has not been restricted from telephone use as the result of a specific institutional disciplinary sanction to make at least one telephone call each month.

[44 FR 38249, June 29, 1979; 59 FR 15824, Apr. 4, 1994; 61 FR 90, Jan. 2, 1996]

[EFFECTIVE DATE NOTE: 61 FR 90, Jan. 2, 1996, which revised the fifth sentence in paragraph (a), became effective Jan. 2, 1996.]

Exhibit 12



28 CFR

**§ 541.31 Conditions of confinement in the SHU.**

Your living conditions in the SHU will meet or exceed standards for healthy and humane treatment, including, but not limited to, the following specific conditions:

- (a) Environment. Your living quarters will be well-ventilated, adequately lighted, appropriately heated, and maintained in a sanitary condition.
- (b) Cell Occupancy. Your living quarters will ordinarily house only the amount of occupants for which it is designed. The Warden, however, may authorize more occupants so long as adequate standards can be maintained.
- (c) Clothing. You will receive adequate institution clothing, including footwear, while housed in the SHU. You will be provided necessary opportunities to exchange clothing and/or have it washed.
- (d) Bedding. You will receive a mattress, blankets, a pillow, and linens for sleeping. You will receive necessary opportunities to exchange linens.
- (e) Food. You will receive nutritionally adequate meals.
- (f) Personal hygiene. You will have access to a wash basin and toilet. You will receive personal items necessary to maintain an acceptable level of personal hygiene, for example, toilet tissue, soap, toothbrush and cleanser, shaving utensils, etc. You will ordinarily have an opportunity to shower and shave at least three times per week. You will have access to hair care services as necessary.
- (g) Exercise. You will receive the opportunity to exercise outside your individual quarters at least five hours per week, ordinarily on different days in one-hour periods. You can be denied these exercise periods for a week at a time by order of the Warden if it is determined that your use of exercise privileges threatens safety, security, and orderly operation of a correctional facility, or public safety.
- (h) Personal property. In either status, your amount of personal property may be limited for reasons of fire safety or sanitation.
- (1) In administrative detention status you are ordinarily allowed a reasonable amount of personal

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property and reasonable access to the commissary.

(2) In disciplinary segregation status your personal property will be impounded, with the exception of limited reading/writing materials, and religious articles. Also, your commissary privileges may be limited.

(i) Correspondence. You will receive correspondence privileges according to part 540, subpart B.

(j) Telephone. You will receive telephone privileges according to part 540, subpart I.

(k) Visiting. You will receive visiting privileges according to part 540, subpart D.

(l) Legal Activities. You will receive an opportunity to perform personal legal activities according to part 543, subpart B.

(m) Staff monitoring. You will be monitored by staff assigned to the SHU, including program and unit team staff.

(n) Programming Activities. In administrative detention status, you will have access to programming activities to the extent safety, security, orderly operation of a correctional facility, or public safety are not jeopardized. In disciplinary segregation status, your participation in programming activities, e.g., educational programs, may be suspended.

(o) Administrative remedy program. You can submit a formal grievance challenging any aspect of your confinement in the SHU through the Administrative Remedy Program, 28 CFR part 542, subpart B.

[75 FR 76263, 76273, Dec. 8, 2010; 76 FR 11078, 11079, Mar. 1, 2011]

[EFFECTIVE DATE NOTE: 75 FR 76263, 76273, Dec. 8, 2010, revised Subpart B, effective Mar. 1, 2011; 76 FR 11078, 11079, Mar. 1, 2011, delayed the effective date of the amendment appearing at 75 FR 76263, 76273, Dec. 8, 2010, until June 20, 2011.]

Exhibit 13

28 CFR

**§ 540.2 Definitions.**

(a) General correspondence means incoming or outgoing correspondence other than "special mail". "General Correspondence" includes packages sent through the mail.

(1) Open general correspondence means general correspondence which is not limited to a list of authorized correspondents, except as provided in § 540.17.

(2) Restricted general correspondence means general correspondence which is limited to a list of authorized correspondents.

(b) Representatives of the news media means persons whose principal employment is to gather or report news for:

(1) A newspaper which qualifies as a general circulation newspaper in the community in which it is published. A newspaper is one of "general circulation" if it circulates among the general public and if it publishes news of a general character of general interest to the public such as news of political, religious, commercial, or social affairs. A key test to determine whether a newspaper qualifies as a "general circulation" newspaper is to determine whether the paper qualifies for the purpose of publishing legal notices in the community in which it is located or the area to which it distributes;

(2) A news magazine which has a national circulation and is sold by newsstands and by mail subscription to the general public;

(3) A national or international news service; or

(4) A radio or television news program, whose primary purpose is to report the news, of a station holding a Federal Communications Commission license.

(c) Special Mail means correspondence sent to the following: President and Vice President of the United States, the U.S. Department of Justice (including the Bureau of Prisons), U.S. Attorneys Offices, Surgeon General, U.S. Public Health Service, Secretary of the Army, Navy, or Air Force, U.S. Courts (including U.S. Probation Officers), Members of the U.S. Congress, Embassies and Consulates, Governors, State Attorneys General, Prosecuting Attorneys, Directors of State Departments of Corrections, State Parole Commissioners, State Legislators, State Courts, State Probation Officers, other Federal and State law enforcement offices, attorneys, and

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